IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 20557 of 2004

Between:

1. The Superintending Engineer,

(R & B) Eluru Circle, Eluru,
West Godavari District
2. The Executive Engineer,

(R & B) Division, Vijayawada.

..... PETITIONERS

AND

Sri B.Maisaiah, Work Inspector, Grade-IV,
O/o Assistant Engineer, Kanchikacherla,

(R & B) Section, Krishna District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of "Certiorari" and calling for the records relating to the order passed in O.A.No.6966/2001 with M.A.No.2316/2004 and C.A.No.1158/2001, dated 9-8-2004 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary and pass such other order or orders as deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: GP FOR SERVICES II
Counsel for the Respondent: MR.M.RATNA REDDY

The Court made the following:

ORDER: (Per Sri G.B,J)

The writ petition is filed assailing the order dated 09.8.2004 passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.6966 of 2001 with M.A.No.2316 of 2004 and C.A.No.1158 of 2001.

2. The respondent herein challenged the proceedings No.4000/A5/2001 dated 25.08.2001 issued by the Superintending Engineer, R & B Eluru Circle, West Godavari District. In the said proceedings he was reverted to the post of Gang Mazdoor. It was the contention of the respondent herein before the Tribunal that his junior one B.Venkateswara Rao was still continuing as Grade-IV Work Inspector and that he also ought to have been promoted in 1984 in which event the amendment to the qualifications would not come in his way. Thus, basing on the contention raised by the petitioner, the Tribunal considered the matter and allowed the O.A.No.6966 of 2001. Against the said order, the present writ petition has been filed.

3. Learned Government Pleader, however, tried to submit that the petitioner did not possess requisite qualification as on the cut off date and therefore he was reverted as Gang Mazdoor. Similarly situated persons were also reverted and their reversion became final. The Tribunal ought to have upheld the order of reversion.

4. Heard the learned counsel for the respondent also.

5. In this case the facts are different. The junior to the petitioner was promoted as Work Inspector in Grade-IV with effect from 05.7.1984, whereas, the petitioner was not promoted for the reasons best known to the authorities. This anomaly was rectified in 1999 making the petitioner senior to the said B.Venkateswara Rao. Taking into consideration of the same, the Tribunal observed at para 6 as follows:

" After hearing both the counsel and after going through the record, it is seen that as per the seniority list the applicant is at Sl.No.5 whereas the party respondent is at Sl.No.13. Thus, the applicant has to be continued as Work Inspectors Grade-IV. It is not denied that the applicant is continuing as Work Inspector Grade-IV. The

applicant is not only senior to the party respondent, but, also he is entitled to be continued as Work Inspector Grade-IV till his retirement on superannuation. In view of this, the applicant is not liable for reversion and the impugned orders are liable to be set aside and accordingly they are set aside."

In view of the aforesaid finding of the Tribunal, we do not find any illegality or irregularity in the order impugned.

6. The writ petition is accordingly, dismissed. No costs. It is also brought to the notice of this Court that the respondent herein retired from service on 30.06.2004 itself. However, we make it clear that this order shall not be treated as precedent in respect of other cases, as this case stands on its own merits.

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G.BIKSHAPATHY,J

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P.S.NARAYANA,J

Date: 15th December 2004

*BSB/BCJ

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Superintending Engineer,

(R & B) Eluru Circle, Eluru,
West Godavari District

2. The Executive Engineer,

(R & B) Division, Vijayawada.

3. The Registrar, A.P. Administrative Tribunal, Hyderabad.

4. Two CCs to the Government Pleader for Services-II, High

Court Buildings, Hyderabad (OUT).

5. Two CD copies.